



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,640	01/16/2001	G. Colby Conkwright	37865.010200	2254

22191 7590 12/16/2002

GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN, VA 22102

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,640

Applicant(s)

CONKWRIGHT ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-80 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-80 are restricted.
2. The Election/Restriction of 09/03/02 is hereby withdrawn in view of the Election/Restriction here below.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-19, 30, 31, 63, and 64, drawn to market analysis, classified in class 705, subclass 10.
 - II. Claims 20-23 and 25-29, drawn to operations research, classified in class 705, subclass 1.
 - III. Claim 24, drawn to correlating datasets, classified in class 705, subclass 1.
 - IV. Claims 32-35, drawn to market surveying, classified in class 705, subclass 10.
 - V. Claims 36-39, drawn to surveying a results, classified in class 705, subclass 10.
 - VI. Claims 40-42, drawn to analyzing correlations, classified in class 705, subclass 10.
 - VII. Claims 43-52, drawn to monitoring past events, classified in class 705, subclass 10.
 - VIII. Claims 53-62, drawn to predicting future events (forecasting), classified in class 705, subclass 10.

Art Unit: 3624

- IX. Claims 65 and 66, drawn to predicting, monitoring, and correlating behaviors based on demographic characteristics, classified in class 705, subclass 10.
- X. Claims 67-79, drawn to mathematical manipulations, classified in class 705, subclass 1.
- XI. Claim 80, drawn to invalidating set-top box events, classified in class 705, subclass 10.

4. Inventions Groups I, IV, V, VI, VII, VIII, IX, and XI and Groups II, III, and X are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I is drawn to market analysis, Group IV is drawn to market surveying, Group V is drawn to surveying a results, Group VI is drawn to analyzing correlations, Group VII is drawn to monitoring past events, Group VIII is drawn to predicting future events (forecasting), Group IX is drawn to predicting, monitoring, and correlating behaviors based on demographic characteristics, and Group XI is drawn to invalidating set-top box events. Group II is drawn to operations research, Group III is drawn to correlating datasets, and Group X is drawn to mathematical manipulations. The subcombination has separate utility such as a correlating dynamic and static datasets and expressing an assumed relationship as a mathematical assumption in

Art Unit: 3624

Group II, testing the assumptions of relationships between two disparate datasets in Group III, and reducing the sampling error, calculating correlation result dataset characterization values, and performing a time-based analysis of group representations in Group X are not required in Groups I, IV, V, VI, VII, VIII, IX, and XI. The marketing analysis in Group I, the market surveying in Group IV, the surveying results in Group V, analyzing the correlations in Group VI, monitoring past events in Group VII, predicting future events (forecasting) in Group VIII, and predicting, monitoring, and correlating behaviors based on demographic characteristics in Group IX and invalidating set-top box events in Group XI are not required for Groups II, III, and X. The operations research, correlating datasets, and mathematical manipulations in Groups II, III, and X can be used for the marketing analysis, the marketing surveying, surveying the results, analyzing the correlations, monitoring past events, predicting future events (forecasting), predicting, monitoring, and correlating behaviors based on demographic characteristics, and invalidating set-box events in Groups I, IV, V, VI, VII, VIII, IX, and XI. Because these inventions are distinct for the reasons given above and the search required for Group I, Group IV, Group V, Group VI, Group VII, Group VIII, Group IX, and Group XI is not required for Group II, Group III, and Group X, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 3624

Inquiri s

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert
December 10, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600